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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,102	09/20/2003	Oliver Schmidt	(E) 1844 US	8533
7590 02/14/2006			EXAMINER	
M. Robert Kestenbaum 11011 Bermuda Dunes NE Albuquerque, NM 87111			COCKS, JOSIAH C	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 02/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination (“RCE”) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's RCE submission and accompanying amendment filed on 1/11/2006 have been entered. By the amendment, applicant has removed the recitation of “to be” in claim 1 in order to positively recite a combustion chamber within the body of the claim.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed 4/25/2005, while addressing the prior objection of the drawings due to poor lead lines and reference characters, appear to be photocopies of the prior drawings and include a substantial number of copy machine marks and lines and reference characters that are not uniformly thick and well defined (see 37 CFR §§ 1.83(e) and 1.84(l)). Further, the examiner notes that claim 1 now recites a combustion chamber and claim 8 recites a heating device comprising a combustion chamber but does not show these features in the drawings. Therefore, the heating device and combustion chamber must be shown or the feature(s) canceled from the claim(s) (see 37 CFR 1.83(a)). No new matter should be entered.

Art Unit: 3749

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

Art Unit: 3749

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the inner wall" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1 has not previously identified any particular wall of the combustion chamber. Further, a person of ordinary skill in the art would understand a combustion chamber to be capable of including more than one chamber wall. Therefore, the recitation to "the inner wall" is unclear. For the purpose of an examination on the merits, this recitation has been regarded as "an inner wall."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/57446 A1 published August 9, 2001 (Note: U.S. Patent 6,540,151 to Steiner et al. ("Steiner") is the U.S. equivalent of WO 01/57446 A1 and is regarded as an English translation of the PCT patent. Steiner is therefore incorporated into this rejection as an English translation and references to figures and columns below refer to the U.S. Steiner patent).

Steiner discloses in Figures 1-8 a vehicle heating device and lining for a combustion chamber of the heating device in the same field of endeavor as applicant's invention and substantially as described in applicant's claims 1 and 3-8. In particular, Steiner shows a lining member/sieve element (6) of porous material formed for fuel forwarding by capillary action (see Steiner, col. 4, lines 47-54) and comprising a fuel receiving region and a fuel flow guiding arrangement provided in the lining member that is considered to include a region of increased flow resistance that influences a flow direction of a fuel and may be considered to be formed of a compressed material that also forms a groove (see Steiner, Figs. 1 and 2 and portion 12 and space/groove 8 taken together). Alternatively, as shown in Fig. 8, the lining/sieve element (6) includes portions (20) that form grooves that the examiner considers to be regions of increased flow resistance that influence a flow direction of fuel. The lining member/sieve element (6) surrounds a fuel supply region (note Fig. 1)). The examiner notes that as connecting pipe (1) is in fluid connection with combustion chamber (2), it may be considered to be a combustion chamber as claimed by applicant. The lining/sieve element (6) is shown to be a liner for the inner wall pipe (1) (see any of Figs. 1-6).

Alternatively, in regard to the recitation of claim 1 that the lining is "provided on [an] inner wall of the combustion chamber" it is noted that Figure 6 of Steiner clearly shows that the

area (2), termed a combustion chamber, includes a component (19) of the combustion chamber that has an inner wall. As shown in this embodiment, lining/sieve element (6) is provided on this inner wall and is also considered to meet applicant's claim.

Response to Arguments

7. Applicant's arguments filed 1/11/2006 have been fully considered but they are not persuasive.

In regard to applicant's drawings, applicant argues against the drawing objections on the basis that both the combustion chamber and heating device are already shown. Applicant points to the reference character 18 (and specification paragraph [0024]) as the combustion chamber illustration and flame direction line and letter "F" in Figs. 5 and 7 to show the heating device. However, the examiner notes that reference character 18 is both shown and described as being the lining element itself and not a combustion chamber. Further, the line indicating the direction a flame would take is not properly regarded as illustration of the structural recitation of a heating device. Accordingly, as noted above, the drawings objections are maintained.

Applicant also argues that Steiner does not disclose a combustion chamber and lining arrangement as recited, the examiner does not agree. As articulated in the rejection above, the examiner has identified both a combustion chamber the lining element arrangement recited in applicant's claims.

Applicant also argues that Steiner does not show "at least one region of increased flow resistance influencing a flow direction of a fuel." The examiner does not agree. As noted above, the examiner has identified this arrangement in Steiner, note that Steiner shows a fuel receiving

Art Unit: 3749

region and a fuel flow guiding provided in the lining member that is considered to include a region of increased flow resistance that influences a flow direction of a fuel and may be considered to be formed of a compressed material that also forms a groove (see Steiner, Figs. 1 and 2 and portion 12 and space/groove 8 taken together).

Accordingly, applicant's claims are not considered to patentably distinguish over the prior art of record.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is

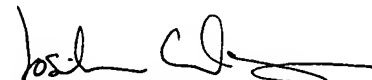
Art Unit: 3749

(571) 272-4874. The examiner can normally be reached on weekdays from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg, can be reached at (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Any questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

jcc
February 8, 2006


JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749